

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID PARDUE

PLAINTIFF

V.

Civil No. 05-5004

SGT. AUGUSTINE, et al.

DEFENDANTS

O R D E R

Currently before the Court is the plaintiff's **Motion to Compel (Doc. 85)** and **Motions to Extend the Time to File Objections to the Magistrate Judge's Report and Recommendation (Docs. 86, 88)**. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. The Magistrate Judge issued a Report and Recommendation in this civil rights action on April 11, 2007, concluding that plaintiff's confinement in a restraint chair violated his constitutional rights. The Magistrate Judge recommended that a judgment be entered in favor of plaintiff in the amount of \$1,500.00. (Doc. 83.)

2. Plaintiff subsequently filed a motion seeking to compel defendants to provide him with "a complete list of the names and incident reports of inmates who were restrained in the restraint chair from the dates of January 1, 2002 through January 1, 2003." Plaintiff states that defendants have only provided him with "95 pages o[f] a 289 page incident report which contained some of the names of some of the inmates who were restrained during the specified time period." (Doc. 85 at pg. 1.) Plaintiff asserts

that he needs the complete report to assist him in preparing his objections to the Magistrate Judge's Report and Recommendation. Plaintiff seeks an extension of time to file his objections after he receives the report.

3. Defendants respond that plaintiff received the full list of inmates placed in the restraint chair. According to Defendants, the remainder of the 289 page report consists of records of other uses of force and contains no further information regarding placement of inmates in the restraint chair. (Doc. 87.)

4. Upon due consideration, it appears that all relevant pages of the incident report have been provided to plaintiff. Accordingly, plaintiff's **Motion to Compel (Doc. 85)** is **DENIED**.

Plaintiff's **Motions to Extend (Docs. 86, 88)** are **GRANTED** to the extent that plaintiff shall have ten days from receipt of this order within which to file his objections to the Report and Recommendation.

IT IS SO ORDERED this 12th day of June 2007.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE